



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ORC-CE

VIA EMAIL ONLY

Mr. Steven Malsam
Owner, Wakefield Kennedy LLC
1457 130th Ave NE
Bellevue, Washington 98005
steve.malsam@comcast.net

Re: Request for Information Pursuant to Section 104(e) of CERCLA
Smurfit Stone Mill Site, Missoula MT, SSID A804

Dear Mr. Malsam:

This letter seeks your cooperation in providing information and documents relating to the Smurfit Stone Mill Site (Site), which is located at 14377 Pulp Mill Road, near the city of Missoula, Montana. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. The EPA is investigating the identification, nature, and quantity of materials that have been generated, treated, stored or disposed of at, or transported to the Site; the nature or extent of the release of a hazardous substance, pollutant or contaminant at the Site; and information relating to the ability of persons to pay for a cleanup at the Site. For more information concerning the Site, please visit <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0802850>

Pursuant to the authority of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Please respond to the Information Request within 30 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to this request should be accompanied by a certification that is signed and dated by the person who is authorized by you to respond to this request. A suggested format for the certification is included with this request as Enclosure 2.

The response to the Information Request, including supporting documentation, should be e-mailed to Maureen O'Reilly at oreilly.maureen@epa.gov.

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Amelia Piggott, EPA Enforcement Attorney, at (303) 312-6410. Thank you for your cooperation in this matter.

Sincerely,

Andrea Madigan, Chief
CERCLA Enforcement Section
Office of Regional Counsel
Region 8
U.S. Environmental Protection Agency

Joe Poetter, Chief
Superfund Planning and Analysis Branch
Superfund and Emergency Management Division
Region 8
U.S. Environmental Protection Agency

Enclosures

cc: Maureen O'Reilly, SEMD-CR
Amelia Piggott, ORC-CE
Dianna Lim, SEMD
Allie Archer, SEMD

INSTRUCTIONS FOR THE INFORMATION REQUEST
Smurfit Stone Mill Site, Missoula, Montana, SSID A804

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

DEFINITIONS AND INFORMATION
Smurfit Stone Mill Site, Missoula, Montana, SSID A804

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term “CERCLA” means the Comprehensive Environmental Response, Compensation and Liability Act, and can be found at 42 U.S.C. section 9601, *et seq.*
2. The terms “document,” “documents” and “documentation” shall mean any written, recorded or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.
3. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
4. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
5. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
6. The term “person” shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body.
7. The term “Site” shall mean the Site shall mean the Smurfit Stone Mill Superfund Site, located at 14377 Pulp Mill Road, located three miles south of the town of Frenchtown and eleven miles northwest of Missoula, Montana.
8. The term “RCRA” means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at 42 U.S.C. section 6901, *et seq.*
9. The term “you” or “Respondent” shall mean Wakefield Kennedy LLC.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, *et seq.*; RCRA, 42 U.S.C. § 6901, *et seq.*; or their regulations found at 40 C.F.R. Part 300 and 40 C.F.R. Part 260, *et seq.* respectively, in which case the statutory or regulatory definitions shall apply.

QUESTIONS
Smurfit Stone Mill Site, Missoula, Montana, SSID A804

1. Identify the person(s) answering these questions by providing their name, address, and telephone number.
2. Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site. Provide contact information for each person identified.
3. For each and every question contained herein, identify all persons consulted in the preparation of the answer.
4. For each question identify all documents consulted, examined, or referred to in the preparation of your answer. Additionally, identify all other documents that contain information responsive to the question. Provide accurate copies of all identified documents.
5. Describe in detail the relationship between the Respondent and M2Green Redevelopment LLC. Provide copies of documents relating to the relationship, including but not limited to, mortgage agreements, deeds of trust, contracts, assignments, deeds, bills of sale, settlement sheets, title insurance, corporate resolutions, and meeting minutes of Respondent's Board of Directors.
6. Describe any property ownership interest Respondent owns at the Site, including when such interest was acquired, how such interest was acquired, and any consideration paid for such interest.
7. Provide copies of all documents relating to the transfer of real property in which Respondent owns or owned or holds a property interest at the Site, including without limitation all contracts, agreements, assignments, certificates of merger, deeds, bills of sale, settlement sheets, title insurance, corporate resolutions, and meeting minutes of Respondent's Board of Directors.
8. Describe and provide copies of any environmental studies Respondent conducted prior to acquiring any ownership interest in the Site.
9. Identify and provide all documents and communications relating to environmental conditions at the Site.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

CERTIFICATION

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by the Respondent to respond to the Environmental Protection Agency's request for information concerning the Smurfit Stone Mill Site, Missoula County, Montana, SSID A804.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to the EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

(Name)

(Title)